

EXHIBIT G



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
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Bethesda, Maryland 20892-2107
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May 14, 2020

Amrit Singh
Open Society Justice Initiative
224 West 57th Street
New York, NY 10019-19

Re: FOI Case No. 54077

Dear Ms. Singh,

This is in reference to your April 27, 2020, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institute of Allergies and Infectious Diseases (NIAID), National Institutes of Health (NIH) and received in the NIH FOIA Office on office April 27, 2020. You requested records concerning the timing and substance of the Executive Branch's response to the novel coronavirus, now known as severe acute respiratory syndrome coronavirus 2 or "SARS-CoV-2," the virus that causes the disease known as coronavirus disease 2019 or "COVID-19." Specifically, you requested the following:

Notice of SARS-CoV-2 and COVID-19

1. Records indicating when the Executive Branch was first informed of what is now known as SARS-CoV-2 and/or COVID-19.
2. Records indicating the Executive Branch's response when it was first informed of what is now known as SARS-CoV-2 and/or COVID-19.
3. Records indicating when President Donald Trump was first informed of what is now known as SARS-CoV-2 and/or COVID-19.
4. Records indicating President Trump's response when he was first informed of what is now known as SARS-CoV-2 and/or COVID-19.
5. Records including and/or discussing communications (before March 1, 2020) to and from the National Center for Medical Intelligence ("NCMI") about what is now known as SARS-CoV-2 and/or COVID-19.

6. Records including and/or discussing January 2020 communications to and from a State Department epidemiologist about what is now known as SARS-CoV-2 and/or COVID-19.

7. Records including and/or discussing January 2020 communications between Robert Redfield, Director, Centers for Disease Control and Prevention, and Chinese officials about what is now known as SARS-CoV-2 and/or COVID-19.

8. Records including and/or discussing communications (from January 1, 2020 to February 29, 2020) between Alex Azar, Secretary, Health and Human Services, and President Donald Trump about what is now known as SARS-CoV-2 and/or COVID-19.

9. Records including and/or discussing communications (from January 1, 2020 to February 29, 2020) to and from Dr. Carter Mecher, senior medical advisor, Department of Veterans Affairs, about what is now known as SARS-CoV-2 and/or COVID-19.

10. Records including and/or discussing communications (from January 1, 2020 to March 31, 2020) to and from Robert Kadlec, Assistant Secretary for Preparedness and Response, about asymptomatic cases spreading what is now known as SARS-CoV-2 and/or COVID-19.

11. Records discussing communications (from January 1, 2020 to February 29, 2020) from Peter Navarro, President Trump's trade advisor, about what is now known as SARS-CoV-2 and/or COVID-19.

II. The Executive Branch's Efforts to Counter SARS-CoV-2 and COVID-19

12. Records discussing requests and need for and availability and allocation (including across states) of resources for testing for what is now known as SARS-CoV-2 and/or COVID-19 in the U.S.

13. Records discussing requests and need for and availability and allocation (including across states) of medical supplies and equipment (including but not limited to drugs, ventilators, and vaccines), Personal Protective Equipment ("PPE") and/or masks for what is now known as SARS-CoV-2 and/or COVID-19 in the U.S.

14. Records discussing immunity to what is now known as SARS-CoV-2 and/or COVID-19 in the U.S.

15. Records discussing the timing and duration of social distancing measures in the U.S.¹⁴

16. Records concerning extraordinary presidential authority, including but not limited to "presidential emergency actions" relating to what is now known as SARS-CoV-2 and/or COVID-19.

17. Records indicating dates and agendas for meetings and decisions of the official White House coronavirus task force during January and February 2020.

18. Records including and/or discussing “Four steps to mitigation,” a February/March 2020 plan for addressing what is now known as SARS-CoV-2 and/or COVID-19.

19. Records including and/or discussing a February 2020 document titled “U.S. Government Response to the 2019 Novel Coronavirus.”

20. Records including and/or discussing communications to or from Dr. Nancy Messonnier, Director of the National Center for Immunization and Respiratory Diseases, about her February 25, 2020 public warning about what is now known as SARS-CoV-2 and/or COVID-19.

21. Records discussing Remdesivir, Chloroquine, Hydroxychloroquine (“Plaquenil”), Azithromycin (“Zithromax”) and/or other drugs or substances, such as disinfectants, for treating what is now known as SARS-CoV-2 and/or COVID-19.

22. Records discussing federal officials’ questioning of and/or divergence from President Trump’s public positions regarding what is now known as SARS-CoV-2 and/or COVID-19, including but not limited to records concerning Dr. Rick Bright, Director of the Biomedical Advanced Research and Development Authority, and Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases.

23. Records discussing in-person and/or mail-in voting in the context of what is now known as SARS-CoV-2 and/or COVID-19.

24. Records including and/or discussing instructions to classify meetings and/or records relating to what is now known as SARS-CoV-2 and/or COVID-19.

25. Communications between your agency and the White House regarding what is now known as SARS-CoV-2 and/or COVID-19.

26. Communications between the Executive Branch and non-government entities (including but not limited to private-sector companies, academic institutions and/or individuals) capable of developing tests, or assisting in testing, for what is now known as SARS-CoV-2 and/or COVID-19.

III. Executive Branch SARS-CoV-2 and COVID-19 Communications with Congress, State Governors, and the WHO

27. Records including and/or discussing communications (before March 1, 2020) between any member of the Executive Branch and Congress regarding what is now known as SARS-CoV-2 and/or COVID-19, including but not limited to briefings to Congress, members of Congress, Congressional Committees or Subcommittees, and/or Congressional staff about what is now known as SARS-CoV-2 and/or COVID-19.

28. Records including and/or discussing communications between the White House and a state governor or his/her office about the timing and duration of social distancing measures and federal assistance to states for what is now known as SARS-CoV-2 and/or COVID-19, including but not limited to any direct financial assistance and assistance on medical supplies and equipment (including but not limited to drugs, ventilators, and vaccines), personal protective equipment (PPE), masks and testing for what is now known as SARS-CoV-2 and/or COVID-19.

29. Records including and/or discussing communications between the Executive Branch and the World Health Organization (“WHO”) about what is now known as SARS-CoV-2 and/or COVID-19.

You also requested expedited processing.

We wanted to notify you that **your request has not been perfected**. Specifically, the following items should be sought from other government agencies, as they are neither specific to NIH nor is NIH in a position to identify these records: *at least* items 1-4, 7-8, 26-29. In addition, the following items are not reasonably described, because agency staff would not be able to reasonably ascertain exactly which records are being requested, or where to locate them without an unreasonable amount of effort: *at least* items 1-4, 6-8, 12-16, 21-22, 25-29.

At this time, we have placed your request in “tolled” status. Please reach out to us to discuss your request, at nihfoia@od.nih.gov. We will review your request for expedited processing as soon as your request is perfected.

If you are not satisfied with the processing and handling of this requests, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Stephanie Clipper
Public Affairs Specialist
Office of Communications and Public Liaison
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20814
301-496-1828 (phone)
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nihfoia@mail.nih.gov (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd - OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
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ogis@nara.gov (email)

Sincerely,

Gorka Garcia-
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Gorka Garcia-Malene
Freedom of Information Office, NIH